

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

W. A. DREW EDMONDSON, in his)
capacity as ATTORNEY GENERAL)
OF THE STATE OF OKLAHOMA and)
OKLAHOMA SECRETARY OF THE)
ENVIRONMENT C. MILES TOLBERT,))
in his capacity as the)
TRUSTEE FOR NATURAL RESOURCES)
FOR THE STATE OF OKLAHOMA,)

Plaintiff,)

vs.) 4:05-CV-00329-TCK-SAJ

TYSON FOODS, INC., et al,)

Defendants.)

THE VIDEOTAPED DEPOSITION OF
ROGER OLSEN, PhD, produced as a witness on behalf
of the Defendants in the above styled and numbered
cause, taken on the 2nd day of February, 2008, in
the City of Tulsa, County of Tulsa, State of
Oklahoma, before me, Lisa A. Steinmeyer, a Certified
Shorthand Reporter, duly certified under and by
virtue of the laws of the State of Oklahoma.

1 On the solid sides, we -- there's a couple
2 other components. We did both sediments in the
3 river and sediments in Tenkiller. So there's water
4 compartments and then there's sediments compartment.
5 I think I described each of the components in how
6 the waste from the house ends up on the field, runs
7 off, goes into groundwater, eventually into
8 Tenkiller.

09:28AM

9 **Q** Okay. Thank you for the explanation. Now,
10 let me go back to the affidavit and see if I
11 understand what you meant by this language, okay,
12 and if I don't, tell me. When you were talking in
13 your affidavit about showing a direct path from the
14 place of poultry waste disposal to locations in the
15 IRW where contamination is found, you were referring
16 to the various compartments that you had studied and
17 the fact that the chemical signature that you've
18 identified is found in each of those compartments;
19 is that right?

09:28AM

09:28AM

20 **A** That's correct.

09:28AM

21 **Q** Okay. So you were not, sir, claiming to have
22 identified a particular land application site and
23 then traced geographically edge of field runoff from
24 that site to a specific place of contamination;
25 correct?

09:29AM

1 small basins with high flow stations to these
2 stations that are USGS stations on bigger streams.

3 Q I'm asking you about edge of field. Was there
4 meant to be coordination between edge of field
5 sampling and in-stream sampling in terms of 05:48PM
6 geography and temporally?

7 A That's what I'm trying to tell you. The high
8 flow stations were set up specifically based on
9 chicken house density, which has some reflection of
10 edge of field samples that could be taken from 05:49PM
11 applied fields.

12 Q If I look at L3, edge of field, am I going to
13 find that same bacteria subsequently in the stream
14 in L1?

15 MR. PAGE: I'll object to the form. 05:49PM

16 Q Was that your intent?

17 A I don't know exactly the question. I'll try
18 to figure out what -- could you restate that? I
19 don't know if I understand what you are trying --
20 the question. 05:49PM

21 Q If it were possible to dye trace bacteria and
22 you put a dye trace marker on the bacteria colony at
23 edge of field, was it your intent that I would find
24 that same colony of bacteria subsequently in-stream
25 as displayed on L3? 05:50PM

1 **A** That same bacteria, no. That sampling is not
2 meant to do that. Some of the bacteria are probably
3 showing up downstream from the edge of fields, but
4 that was not our intent to try to show that. The
5 intent of the qPCR is to show that, but this is just
6 generally sampling for all bacteria.

05:50PM

7 **Q** How long have you known Dr. Harwood?

8 **A** I first met Dr. Harwood and talked to her
9 probably four or five years ago I think.

10 **Q** And are you the one that brought her into this
11 team?

05:50PM

12 **A** I recommended her, but she was hired directly
13 by the Oklahoma Attorney General.

14 **Q** Okay, but -- but for the fact that you
15 recommended her, she would not be part of the team;
16 isn't that true?

05:50PM

17 MR. PAGE: Object to the form.

18 **Q** You're the one that first brought up her name?

19 **A** Yes, I did.

20 **Q** And you've worked with her on other occasions;
21 is that true?

05:50PM

22 **A** Yes. I think I worked with her once.

23 **Q** Is your income at CDM dependent upon or
24 directly related to in any way bonuses or otherwise
25 the amount of revenue that you generate for CDM?

05:51PM